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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,056	03/11/2004	Junzo Tokunaka	450100-04964	4967
7590 04/14/2010				
William S. Frommer, Esq. FROMMER LAWRENCE & HAUG LLP 745 Fifth Avenue New York, NY 10151				
EXAMINER				
TAKLE, MESEKER				
ART UNIT		PAPER NUMBER		
2175				
MAIL DATE		DELIVERY MODE		
04/14/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/798,056

Applicant(s)

TOKUNAKA, JUNZO

Examiner

MESEKER TAKELE

Art Unit

2175

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,10-12,14,15 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,10-12,14,15 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is responsive to the RCE and Amendment filed 01/28/2010.
2. Claims 1-21 are pending in this application. Claims 1, 8, 12, 19, 20 and 21 are independent claims. In the instant Amendment, claims 1, 8, 12, 19, 20 and 21 were amended.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-4 10-12, 14-15 and 21, are rejected under 35 U.S.C. 103 (a) as being unpatentable over Fuller et al. ("Fuller" US Patent No.: 6,833,865) in view of Harper et al. ("Harper ", US Patent No.: 6,476,817).

As to claim 1, Fuller discloses an information processing apparatus for handling a storage medium storing content data and metadata associated therewith (such as a digital still camera or digital video recorder, has an embedded real-time content-based analysis function in the capture device to extract metadata from the digital signals. In one embodiment, metadata (descriptive information about the digital content) is formatted and stored separately from the

content. In another embodiment, the metadata may be formatted and combined with the digital content in a container format such as MPEG-7, QuickTime, or FlashPix, abstract), comprising:

an extracting section for extracting, from said metadata stored on said storage medium (such as, In one aspect of the present invention, there is an integrated data and real-time metadata capture system, comprising a digital capture device producing a digital representation of one or more forms of media content; a feature extraction engine integrated with the digital capture device, the feature extraction engine having a plurality of feature extractors to automatically extract metadata in real-time from the digital content simultaneously with the capture of the content; and a storage device capable of storing the media content and the metadata, wherein selected portions of the metadata are associated with selected portions of the media content, col., 4 lines, 24-35),

wherein the extraction section performs automatic extraction in response to loading the storage medium and ((such as, In one aspect of the present invention, there is an integrated data and real-time metadata capture system, comprising a digital capture device producing a digital representation of one or more forms of media content; a feature extraction engine integrated with the digital capture device, the feature extraction engine having a plurality of feature extractors to automatically extract metadata in real-time from the digital content simultaneously with the capture of the content; and a storage device capable of storing the media content and the metadata, wherein selected portions of the metadata are associated with selected portions of the media content, col., 4 lines, 24-35),

wherein the information display unit displays user-selectable metadata in the metadata extraction window (such as, information extracted automatically by analyzing the audiovisual signal and extracting properties from it, such as key frames, speech-to-text, speaker ID, visual properties, face identification/ recognition, optical character recognition, col., 1 lines, 55-64, col., 4 lines, 30-45 and claim 20).

However Fuller does not explicitly disclose (a) an information display unit for displaying the extracted display data and the metadata extraction window onto said information display area.

Harper, from the same field of endeavor discloses (a) an information display unit for displaying the extracted display data and the metadata extraction window onto said information display area (col., 2 line 62-64 and Figure 4).

It would have been obvious to one of ordinary skill in the art to modify Fuller's teaching with the teaching of Harper, because Harper's device eliminates the need of the display driver within the storage medium.

As to claim 3, Harper discloses wherein said information display area is exchangeable with another information display area. Yamaguchi from the same field of endeavor disclose wherein said information display area is exchangeable with another information display area (Figures 1 and 4).

As to claim 4, Harper discloses wherein said information display area is constituted by a rewrite sheet (col., 4 line, 50).

As to claim 7, Harper discloses wherein said content data include at least video content data and said information display unit displays, in said information display area, thumbnail image data extracted from said video content data on the basis of said metadata (col., 5 lines, 30-55).

Claims 8 and 12 are similar in scope to claim 1 respectively, and are therefore rejected under similar rationale.

Claims 10 and 14 are similar in scope to claim 3 respectively, and are therefore rejected under similar rationale.

Claims 11 and 15 are similar in scope to claim 4 respectively, and are therefore rejected under similar rationale.

Claim 18 is similar in scope to claim 7, and is therefore rejected under similar rationale.

Claim 21 is similar in scope to claim 1, and is therefore rejected under similar rationale.

5. Claims 2, 5-6, 9, 13, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuller et al. ("Fuller" US Patent No.: 6,833,865) in view of Harper et al. ("Harper", US Patent No.: 6,476,817) in further in view of Bloch et al. ("Bloch" Us Patent No.: 5,754,102).

As to claim 2, Fuller and Harper do not disclose wherein said information display area is rewritable.

However Bloch from the same field of endeavor discloses wherein said information display area is rewritable (such as, "electric paper" system is that such a display can be re-written upon essentially limitlessly, col., 4 line, 50).

It would have been obvious to one of ordinary skill in the art to modify Fuller and Harper's teaching with the teaching of Bloch.

The motivation to combine will provide for adding/deleting data to/from the storage media as desired.

As to claim 5, Bloch discloses, wherein said information display unit displays, in said information display area, said display data by coding at least a part thereof (col., 2 lines, 5-7).

As to claim 6, Bloch discloses a metadata editing section for editing said metadata in accordance with a processing result of said content data, wherein said extracting section extracts said display data also from the edited metadata (col., 3 lines, 23 -36).

Claims 9 and 13 are similar in scope to claim 2 respectively, and are therefore rejected under similar rationale.

Claim 16 is similar in scope to claim 5, and is therefore rejected under similar rationale.

Claim 17 is similar in scope to claim 6, and is therefore rejected under similar rationale.

6. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuller et al. ("Fuller" US Patent No.: 6,833,865) in view of Harper et al. ("Harper", US Patent No.: 6,476,817) in further in view of Bloch et al. ("Bloch" Us Patent No.: 5,754,102) and Tehranchi et al. ("Tehranchi" US Patent No.: 6,873,435).

Claim 19 is similar in scope to claim 1, and is therefore rejected under similar rationale.

However Fuller in view of Harper and in further in view of Bloch do not disclose information display unit displaying said display data as a barcode form by coding a part and a thumbnail image automatically.

Tehranchi from similar field of endeavor discloses information display unit displaying said display data as a barcode form by coding a part and a thumbnail image automatically, (such as, Bar codes have also been used for tracking and identifying images. In diagnostic imaging, for example, patient identification information can be optically encoded directly onto a film such as for X-rays, ultrasound, col., 3 lines, 35-40, Figure 1 and 2).

It would have been obvious to one of ordinary skill in the art to modify Fuller's teaching with the teaching of Tehranchi.

The motivation to combine to provide, from an image processing apparatus, an output print generated from digital data, where encoded metadata identifying a data source and image processing variables is coupled to the output print, and to provide a method for image processing using such encoded metadata.

Claim 20 is similar in scope to claim 19, and is therefore rejected under similar rationale.

Response to Arguments

7. Applicant's arguments with respect to claims 8, 12 and 19-21 have been fully considered but they are not persuasive.

Applicant argues (a) Fuller does not disclose "wherein the extraction section performs automatic extraction in response to loading the storage medium and..." as recited in claim 1.

The Examiner disagrees for the following reasons.

Per (a) Fuller disclose "wherein the extraction section performs automatic extraction in response to loading the storage medium and..." as recited in claim 1 (such as, In one aspect of the present invention, there is an integrated data and real-time metadata capture system, comprising a digital capture device producing a digital representation of one or more forms of media content; a feature extraction engine integrated with the digital capture device, the feature extraction engine having a plurality of feature extractors to automatically extract metadata in real-time from the digital content simultaneously with the capture of the content; and a storage device capable of storing the media content and the metadata, wherein selected portions of the metadata are associated with selected portions of the media content, col., 4 lines, 24-35),

Inquiry

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MESEKER TAKELE whose telephone number is (571)270-1653. The examiner can normally be reached on Monday - Friday 7:30AM- 5:00PM est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on (571) 272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Meseke Takele/
Examiner, Art Unit 2175

/William L. Bashore/
Supervisory Patent Examiner, Art Unit 2175